

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:22-cv-00068-BO

YOLANDA IRVING, et al.,)
Plaintiffs,) **REPLY TO MEMORANDUM IN**
v.) **OPPOSITION OF EMANCIPATE NC, INC.**
THE CITY OF RALEIGH, et al.,) **(ECF No. 122)**
Defendants.)

Defendants City of Raleigh, Chief of Police Estella Patterson, and City Manager Marchell Adams-David (collectively the “City”), pursuant to Local Rule 7.1(g) respectfully reply to the Memorandum in Opposition filed by Plaintiff Emancipate NC, Inc. (“Emancipate”) (ECF No. [122](#)).

The City previously filed a Motion to Dismiss Emancipate as a Plaintiff in this action (ECF No. [59](#)) and a Memorandum in Support (ECF No. [60](#)) showing that Emancipate, as an organization, does not have standing to bring this suit, because Defendants' actions have not prevented Emancipate from pursing its broad mission. Emancipate filed a Memorandum in Opposition (ECF No. [88](#)).

Plaintiffs, including Emancipate, subsequently filed a Second Amended Complaint (ECF No. 93), with leave of this Court.

The City renewed its Motion to Dismiss Emancipate (ECF No. [96](#)), relying on the pleadings filed to date and its previously filed Memorandum in Support (ECF No. [60](#)), as the allegations subject to the Motion to Dismiss remained unchanged in the Second Amended

Complaint and, therefore, did not moot the earlier filed motion. The City timely filed its Reply (ECF No. [102](#)) to Emancipate's Memorandum in Opposition (ECF No. [88](#)).

Emancipate then filed the current Memorandum in Opposition to Motion to Dismiss (ECF No. [122](#)), which is substantively identical to their earlier Memorandum in Opposition (ECF No. [88](#)).

Accordingly, in the interest of brevity, the City respectfully incorporates the City's Reply (ECF No. [102](#)) by reference. For the reasons articulated in the City's Memorandum in Support of the Motion to Dismiss Plaintiff Emancipate NC, Inc. (ECF No. [60](#)) and Reply (ECF No. [102](#)), the City respectfully requests that this Court dismiss Plaintiff Emancipate and grant such other relief as it deems proper and just.

CITY OF RALEIGH
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I hereby certify that on September 30, 2022, I electronically filed the foregoing **REPLY TO PLAINTIFFS' MEMORANDUM IN OPPOSITION TO MOTION TO DISMISS EMANCIPATE NC, INC.** with the Clerk of Court using the CM/ECF system, which sends notification of such filing to all counsel of record as follows:

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